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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/684,635

10/14/2003

John H. Bridges III

38494-00224C

3706

27357

7590

10/18/2005

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EXAMINER

LEYBOURNE, JAMES J

ART UNIT

PAPER NUMBER

2881

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/684,635	Applicant(s) BRIDGES ET AL.	
	Examiner James J. Leybourne	Art Unit 2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/14/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/26/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's arguments made with respect to claims 25-36 have been considered but are moot in view of the new grounds for rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rupp (USPN 5261460), in view of Stewart et al. (US2003/0037812).

It is well known in the art to conduct remediation activities at a site where a biological attack may have occurred. In column 1, lines 20-37, Rupp teaches that HAZMAT area formats typically, include a "hot zone" which is marked or roped off to contain the area. Although Rupp uses a toxic spill as an example of a hazardous material, the typical HAZMAT area format can be applied to any

situation requiring isolation of the material site and special protective clothing or equipment. Rupp does not teach use of specific structures for creating the various "zones" or considering weather conditions at the site.

Stewart et al. disclose a decontamination and containment processing system 10 contains a plurality of components including a shelter assembly to be deployed at the shelter decontamination area ([0054] lines 1-16). As shown in Fig. 3, the system uses tents to define the decontamination areas. Neither Rupp nor Stewart et al. teach that local weather conditions should be taken into account when setting up or implementing remedial activities at a site where a biological attack may have occurred.

It would be obvious to one of ordinary skill in the art at the time of the invention that a support zone for a HAZMAT area should be portable to permit it to be moved to different sites as taught by Rupp, and it would also be desirable to use light structures, such as tents for portability, as taught by Rupp (see Fig. 3).

The examiner interprets the alleged novelty of claims 25-36 to consist of: monitoring weather conditions at a site where a biological attack may have occurred, establishing conditions of readiness based on the likelihood that adverse weather conditions may impair the remediation activities, and establishing restrictions on the remediation activities relating to the conditions of readiness.

In the broadest interpretation, monitoring weather conditions at a location can comprise checking weather advisory conditions such as hazardous wind, thunderstorms, flooding, etc. It is known that the weather bureau uses conditions such as wind speed, temperature, barometric pressure etc. in modeling weather conditions and weather prediction.

For one responsible for the implementation of remediation efforts at a potential biological site, it would be obvious to one of ordinary skill in the art to consider weather conditions at the site because, as discussed above, Rupp teaches that the support zone for a HAZMAT area should be portable. The conditions of readiness used would depend on the nature of the threat, the type of facility used for isolating the area and availability of resources.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Leybourne whose telephone number is 571 262-2478. The examiner can normally be reached on M_F 10:00AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on 571 272-2477. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/684,635
Art Unit: 2881

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 12, 2005

JJL



NIKITA WELLS
PRIMARY EXAMINER

10/17/05